

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 4:10 CV 00002

DANNY W. L. HUDSON, JR.

Plaintiff,)
v.)) DEFENDANTS' MOTION TO DISMISS
PHYLLIS P. LEE, et al.,)
Defendants.)

COMES NOW Defendants Phyllis P. Lee, individually and as City Manager of the City of Roanoke Rapids; Gary Corbet, individually and as Fire Chief of the City of Roanoke Rapids; and the City of Roanoke Rapids ("Defendants"), by and through their undersigned counsel, and move the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for dismissal with prejudice of all the claims in Plaintiff's Complaint. The grounds for this Motion are set out more fully in Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss which is adopted and incorporated herein by reference.

WHEREFORE, Defendants respectfully request that their Motion to Dismiss be GRANTED, and that all of Plaintiff's claims be DISMISSED WITH PREJUDICE. In addition, Plaintiff's request for injunctive relief should be DENIED.

Respectfully submitted, this the 12th day of February, 2010.

CRANFILL, SUMNER & HARTZOG, L.L.P.

BY: /s/ Ann H. Smith
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Plaintiff,)
v.)
PHYLLIS P. LEE. individually and as City Manager)
of the City of Roanoke Rapids; GARY)
CORBET, individually and as Fire Chief of the)
City of Roanoke Rapids; and the CITY OF)
ROANOKE RAPIDS,)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2010, I electronically filed the foregoing *Defendants' Motion to Dismiss* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

James N. Jorgensen, Esq.
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4030 Wake Forest Road, Suite 209
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This the 12th day of February, 2010.

CRANFILL, SUMNER & HARTZOG, L.L.P.

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